

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDEN WILLIE ISELI,

Petitioner,

v.

JEFF LYNCH,

Respondent.

No. 2:24-cv-0837-WBS-SCR P

No. 2:24-cv-1578-WBS-SCR P

ORDER

Petitioner, a state prisoner, proceeds pro se and seeks habeas corpus relief under 28 U.S.C. § 2254 in Case No. 2:24-cv-1578-WBS-SCR P and in Case No. 2:24-cv-0837-WBS-SCR P. By order filed on September 30, 2024, these actions were related within the meaning of Local Rule 123 and the latter filed action was reassigned accordingly.

Examination of the first amended petition in Case No. 2:24-cv-1578-WBS-SCR P (ECF No. 13) and the unsigned, original petition in Case No. 2:24-cv-0837-WBS-SCR P (ECF No. 1) reveals that both cases challenge aspects of petitioner's trial and sentencing in California Superior Court, San Joaquin County, Case No. STK-CR-FE-2017-0016638. Given that the two petitions involve common questions of fact and law, the court finds that they should be consolidated under Federal Rule of Civil Procedure 42(a). The Clerk will be directed to administratively close Case No. 2:24-cv-1578-WBS-SCR P, and the parties shall file all future pleadings in Case No. 2:24-cv-0837-WBS-SCR P, the lead case.

1 In other words, petitioner may not proceed in both cases simultaneously. Instead,
2 petitioner must bring all his claims challenging his trial and sentencing in Case No. STK-CR-FE-
3 2017-0016638 in a single operative petition. To ensure petitioner has the opportunity to present
4 all his claims, petitioner is granted leave to file a signed, amended petition bearing Case. No.
5 2:24-cv-0837 within 60 days of the date of this order. The court will then screen the amended
6 petition.

7 In a document petitioner filed in multiple cases, petitioner requests a 14-day extension of
8 time to respond to “pending Court matters.” (ECF No. 24.) As to these cases, the request for
9 extension of time is granted to the extent that petitioner must comply with the schedule set forth
10 below.

11 Good cause appearing, IT IS HEREBY ORDERED as follows:

- 12 1. Petitioner’s motions for a 14-day extension of time to respond to pending Court
13 matters due to COVID-19 (ECF No. 24 in Case No. 2:24-cv-01578-WBS-SCR and
14 ECF No. 22 in Case No. 2:24-cv-00837-WBS-SCR) are granted.
- 15 2. The Clerk of the Court is directed to send petitioner the court’s form application for a
16 writ of habeas corpus.
- 17 3. Case No. 2:24-cv-1578-WBS-SCR P is consolidated with Case No. 2:24-cv-0837-
18 WBS-SCR P, and the lower-numbered action is designated the lead case.
- 19 4. The Clerk of the Court is directed to administratively close Case No. 2:24-cv-1578.
- 20 5. The parties shall file all future pleadings only in Case No. 2:24-cv-0837.
- 21 6. Within 60 days of the date of this order, petitioner shall file a signed, amended petition
22 bearing Case No. 2:24-cv-0837 and presenting all of petitioner’s claims challenging
23 his trial and sentencing in San Joaquin County Case No. STK-CR-FE-2017-0016638.

24 DATED: October 29, 2024

25
26 
27 SEAN C. RIORDAN
28 UNITED STATES MAGISTRATE JUDGE